



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 19, 1998

Mr. David Wofford
Staff Attorney
Texas Youth Commission
P.O. Box 4260
Austin, Texas 78765

OR98-1249

Dear Mr. Wofford:

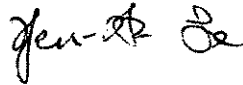
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 115678.

The Texas Youth Commission (the "commission") received a request for a copy of a particular individual's file maintained by the Giddings State Home and School. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 58.005 of the Family Code and section 552.103 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You assert that the requested information is confidential pursuant to section 58.005 which provides that "[i]nformation obtained for the purpose of diagnosis, examination, evaluation, or treatment or for making a referral for treatment of a child by a public or private agency or institution providing supervision of a child by arrangement of the juvenile court or having custody of the child under order of the juvenile court may be disclosed only to" certain specified agencies and individuals. Fam. Code § 58.005(a). The requestor is not one of the specified individuals. Thus, we agree that you must withhold the requested information pursuant to section 552.101 of the Government Code in conjunction with section 58.005 of the Family Code.

As section 58.005 of the Family Code is dispositive, we need not address your other claimed exception. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Yen-Ha Le".

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref.: ID# 115678

Enclosures: Submitted documents

cc: Mr. Robert A. Heard
2710 North Stemmons Freeway
North Tower, Suite 300N
Dallas, Texas 75207
(w/o enclosures)